LA BOARD OF CHIROPRACTIC EXAMINERS

SUMMARY OF MINUTES

**BOARD MEETING – JANUARY 19, 2012**

Members Present: Dr. Mark Kruse, President; Dr. Michael Cavanaugh, Vice President; Dr. R. Buckley VanBreemen, Secretary-Treasurer; Dr. David Barczyk, Dr. Wynn Harvey, Dr. Jon E. Zeagler, Dr. Ned Martello

Members Absent: None.

Staff Present: Patricia A. Oliver, Executive Director

Legal Counsel: Angelique Freel, Asst. Attorney General.

Audience: None.

Meeting called to order at 08:37 a.m., Dr. Mark Kruse, President, presiding.

The **minutes** of the 12/08/2011 meeting were mailed to all Board members. Motion made by Dr. Barczyk, and seconded by Dr. Harvey. With no objections, motion carries unanimously.

**PUBLIC COMMENT:**

#### None

**STANDING COMMITTEE REPORTS**

1. **FINANCE COMMITTEE REPORT** **by Ms. Oliver:**

**Financial statement** for December 2011 was prepared by Ms. Oliver and provided to the Board members. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the statements. With no objections, motion carries unanimously.

**CD report** was given by Dr. VanBreemen. He reported CD’s will be maturing in February, 2012.

* **PEER REVIEW COMMITTEE REPORT BY Dr. Martello**:

Dr. Martello notes 6 PR requests were received; however, 2 cases were settled by all parties and thus removed from Peer Review by the requestor/s. 4 cases were reviewed by the PR Committee on January 12, 2012. Reports will be issued ASAP.

1. **COMPLAINT COMMITTEE REPORT by Dr. Harvey**:

Dr. Harvey reports the following Complaint Committee work:

Relative to **Complaint #968** pertaining to a possible professional misconduct, Dr. Harvey has secured an “agreed settlement” wherein the licensee agrees to take the NBCE’s “Ethics & Boundaries” exam at his expense. Motion made by Dr. Wynn, seconded by Dr. Zeagler, to accept the “agreed settlement”. With no objections, motion carries.

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Continued discussion held on possible “**background checks**” on new applicants. Ms. Freel has prepared draft language authorizing the Board to conduct “background checks”. It amends LSA R.S. 37:2804. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to take steps needed to amend the statutes to include the Board to have authority to conduct background checks on applicants and licensees, as language proposed by Ms. Freel notes. With no objections, motion carries unanimously. Dr. VanBreemen will ask his area state representative to “sponsor” the Board’s bill. If needed, Dr. Martello will ask his representative.

New Board **policy** will be that “**background checks**” will be performed on all new applicants for licensure once the law goes into effect.

* **STANDARDS & PRACTICES by Dr. Kruse:**

No current activity at this time.

* **LAW & LEGISLATION:**

Continued discussion held on new **4 year undergraduate degree** requirement for license application. New statutory requirements of undergrad degree required for all applicants now limits reciprocity applicants. Ms. Oliver is asked to track the number of reciprocity applicants with no undergrad degrees and report info at next Board meeting.

Ms. Oliver notes that **rules** package has been promulgated and should be published in near future in “LA Register”.

* **TESTING**

Ms. Oliver notes 15 applications were processed for the biannual testing to be held today. The Board recesses for the biannual testing. Test results to be available in approximately 7 days.

* **ADMINISTRATIVE OVERSIGHT by Dr. VanBreemen:**

Dr. VanBreemen has reviewed the leave records of Ms. Oliver and Ms. Schmidt and notes leave records are in order.

* **GENERAL CORRESPONDENCE:**

**NBCE** has sent correspondence posting all upcoming Part IV testing and test writing committee dates. Dr. Cavanaugh notes he will attend in May and Dr. Zeagler notes he will attend in November 2012 and would like to participate at the Logan test site.

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* **SEMINAR REVIEW by Dr. VanBreemen:**

Ms. Oliver informed the Board that Dr. VanBreemen reviewed 35 seminars since our last meeting. Dr. VanBreemen has 3 program requests that require Board review as follows:

**American Academy of Disability Evaluating Physicians** submitted a program entitled “Disability Evaluating”. The instructor is not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. VanBreemen, seconded by Dr. Zeagler, to accept the program for CE. With no objections, motion carries.

**International Chiropractic Pediatric Association** submitted a program entitled “Certification Program”. The instructor is not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. Martello, seconded by Dr. Cavanaugh, to accept the program for CE. With no objections, motion carries.

**Washington Department of Labor** submitted a program entitled, “Chiropractic Independent Medical Examiners” for 14 hours. The instructor is not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to approve the seminar. With no objections, motion carries unanimously.

**Chiropractic Association of LA** submitted a program entitled, “X-ray Safety and Proficiency for the CA”. The instructor, Dr. Ricky Melancon, is not on post graduate faculty and no CCE approved chiropractic college is sponsoring it. Motion made by Dr. Harvey, seconded by Dr. Martello, to accept the program for CE. With no objections, motion carries.

**OLD BUSINESS:**

Continued discussion held on correspondence mailed out by the **LA Veterinary Board** about the **“collaborative practice”** of veterinarians and any unlicensed person treating animals. Ms. Freel is continuing to check their board meeting agendas and the State Register for possible rule promulgation on this topic.

Continued discussion held on “**continuing education monitoring**” at CE seminars. No report available relative to other states and attendance monitoring techniques.

Continued discussion by Dr. Kruse relative to a review of the “**scope of practice”** and possible scope change through the “rule making process”. Ms. Chittom notes that CAL will hold a board meeting on 02/02/2012 and she asks Dr. Kruse to attend to discuss possible legislation.

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**NEW BUSINESS:**

Motion made by Dr. VanBreemen, seconded by Dr. Harvey, to changed the order of the posted agenda to allow **Lorenzo Erickson, D.C**., Bossier City, LA, to address the Board relative to his “delinquent license renewal”. With no objections, posted order of agenda is changed.

**Lorenzo Erickson, D.C**., Bossier City, LA, notes that he sent his license renewal form and fee in, however; did not include CE hours as he was not aware he needed hours since he was a new licensee as of October, 2011. He is requesting the delinquent fee be waived. Ms. Oliver notes correspondence sent to all new licensees stating renewal requirements relative to new licensees. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey to accept the 2012 CE seminar he attended for license renewal requirements, keep the delinquent renewal fee in tack and to put his license in effect as of 01/01/2012. Motion carries with 6 yeas, 1 nay.

Additional request received from **Nicole Halkovic, D.C**., Zachary, LA, requesting waiver of renewal requirements due to physical health. Motion made by Dr. Martello, seconded by Dr. Zeagler, to waive the renewal requirements for 2012 for Dr. Halkovic. With no objections, motion carries unanimously.

Recommendation from Ms. Oliver that the Board issue an **additional newsletter** in near future which would discuss license renewal, CE, license reporting, approved seminars, delinquent renewals, x-ray certification for employees, etc., in an effort to clarify the Board’s position on delinquent renewals, etc. She will prepare a rough draft for the next meeting.

Request received from **NBCE** relative to naming the Board’s “**delegate**” and “**alternate**”. Dr. Kruse names Dr. Martello as “delegate” and Dr. VanBreemen as “alternate”. Ms. Oliver will notify the NBCE.

Request received from **FCLB** relative to naming the Board’s “**delegate**” and “**alternate**”. Dr. Kruse names Dr. VanBreemen as “delegate” and Dr. Martello as “alternate”. Ms. Oliver will notify the FCLB.

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Request received from **Troy Beaucoudray, D.C**., **MD**, Metairie, LA, requesting a waiver of his CE requirements as he attended a Neurology Board review course affiliated with his medical practice. Motion made by Dr. Martello, seconded by Dr. Barczyk, to waive his CE requirements for 2012. With no objections, motion carries unanimously. Ms. Oliver directed to state in the correspondence to be sent to Dr. Beaucoudray in the future the Board will not be accepting medical practice/education/certification in lieu of approved chiropractic continuing education.

Request received from **Peter Bui, D.C**., Metairie, LA, requesting a 30 day extension to get CE course approved for license renewal. With no objections, motion carries unanimously.

Request received from **James Hickman, D.C**., Eufala, OK, relative to get an extension of 30 days to get his CE course approved. He submitted the delinquent fee. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to grant the 30 day extension with all fees received. Motion fails with 1 yea and 6 nays.

Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler to have course approved and grant an extension 60 days or otherwise, obtain new hours. With no objections, motion carries unanimously.

Request received from **Brian Stoynoff, D.C**., Mattawan, MI, requesting a 30 day extension to complete his license renewal. Motion made by Dr. Zeagler, seconded by Dr. Martello, to grant a 30 day extension. With no objections, motion carries unanimously.

Request received from **Joseph Madison, D.C**., New Orleans, LA, to waive the delinquent fee due to severe financial circumstances. Motion made by Dr. Harvey, seconded by Dr. Cavanaugh, to waive the delinquent fee. Motion carries with 5 yeas, 1 nay and 1 recusal (Zeagler).

Request received from **Rick Nash, D.C**., Lafayette, LA, to waive the delinquent fee. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to waive the delinquent fee. With 6 yeas, 1 nay, motion carries.

Request received from **Casey Accardo, D.C**., Fourney, TX, to grant a 60-day extension and waive the late fee. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to grant a 60 day extension. With no objections, motion carries unanimously. Delinquent fee remains intact.

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Request received from **David Trueblood, D.C**., Bossier City, LA, to grant a 60-day extension. Motion made by Dr. Harvey, seconded by Dr. Barczyk, to grant a 60 day extension with the delinquent fee due. With no objections, motion carries unanimously.

Request received from **Andre’ Broussard, D.C**., Lubbock, TX, for a 60 day extension to obtain approved CE. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to grant the 60-day extension with no late fee imposed. With no objections, motion carries unanimously.

Request received from **Cheryl Santiago, D.C.**., Kingston, NY, to waive the delinquent fee. Motion made by Dr. Barczyk, seconded by Dr. Martello, to deny the request for delinquent fee waiver and to grant 60 day request to obtain approved CE hours. With no objections, motion carries unanimously.

Ms. Oliver notes receipt of **subscription** renewal information for **“The Professional Licensing Report**”. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to renew the subscription for 2 year period. With no objections, motion carries unanimously.

Ms. Oliver notes additional requests received after the board meeting agenda was prepared. Motion made by Dr. Cavanaugh, seconded by Dr. Martello, to amend the posted agenda to include items received after the agenda was prepared. With no objections, motion carries unanimously.

Request received from **Pedro Lozano, D.C**., New Orleans, LA, to waive the delinquent license renewal fee. Motion made by Dr. Zeagler, seconded by Dr. Barczyk, to deny the delinquent fee waiver. With no objections, motion carries unanimously.

Request received from **Madeline Washington, D.C**., Houston, TX, to waive the delinquent license renewal fee. Motion made by Dr. Barczyk, seconded by Dr. Harvey, to deny the delinquent fee waiver. With no objections, motion carries unanimously.

Request received from **Richard Elliott, D.C**., Galliano, LA, for an extension to renew his license due to personal financial situation. Motion made by Dr. Barczyk, seconded by Dr. Cavanaugh, to grant 60 day extension to March 1 to pay renewal fee and delinquent fee. With no objections, motion carries unanimously.

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Request received from **Robert Thomson, D.C**., Mandeville, LA, to waive the delinquent fee for renewing with no CE voucher sent in. Motion made by Dr. Barczyk, seconded by Dr. VanBreemen, to grant a 30 day extension to submit his CE voucher and to waive the delinquent fee. With no objections, motion carries unanimously.

Request received from **Thomas Dupont, D.C**., Lafayette, LA, to waive the delinquent fee. Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to waive the delinquent fee. With no objections, motion carries unanimously.

Request received from **David Edwards, D.C**., Metairie, LA, to waive the delinquent fee as he sent in CE hours obtained in 2012. Motion made by Dr. Harvey, seconded by Dr. Zeagler, to waive the delinquent fee and to accept the hours taken in 2012. With no objections, motion carries unanimously.

Request received from **Stuart White, D.C**., Houston, TX, to waive his CE requirements as he is an instructor at T. Motion made by Dr. Zeagler, seconded by Dr. Cavanaugh, to waive the CE requirements for 2012. With no objections, motion carries unanimously.

Discussion by Ms. Chittom that the Board at the meeting of December 2011, granted **Michael Taylor, D.C**., Shreveport, LA, an additional 120 days to obtain his CE credits. Ms. Chittom asks the Board to accept the 1 hour CE course she will be presenting to him. Motion made by Dr. Cavanaugh, seconded by Dr. Zeagler, to accept the course for CE. With no objections, motion carries unanimously.

Request received from **Melissa Hoffman, D.C**., Mandeville, LA, relative to if the use of the AMA Guides to the Evaluation of Permanent Impairment, 6th Edition in “impairment rating”. Response to be sent that use of the AMA Guide and a specific edition depends on what company or state is involved.

Discussion of letter copied to the Board from **Benjamin McNeil, D.C**., Metairie, LA, he received from the LA Physical Therapy Board about his advertising. He has corrected his advertising.

Continued discussion held on possibility of purchasing the **Board office building**. Ms Oliver spoke with CAL’s office building contractor’s representative who is Ms. Chittom’s sister, relative to square footage price for new construction on property adjacent to the CAL office. Further, Ms. Oliver gathered area square foot price comparables. The Board asks Ms. Oliver, Dr. Martello and Ms. Freel to meet with Mr. Cramer about the Board office pricing. Matter is to be kept on the agenda for the next meeting.

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**Upcoming Events:**

* Next Board meeting, 04/12/2012, time to be announced.
* Next exam offering, 04/12/2012, time to be announced.
* FCLB Annual Convention, 05/03-06/2012, San Antonio, TX
* NBCE Part IV exam administration, 05/12-14/2012, nationwide test sites.
* X-Ray Certificate Holders annual renewal deadline, 07/31/2012.
* Annual license renewal deadline, 12/31/2012.

Motion made by Dr. Cavanaugh, seconded by Dr. Harvey, to adjourn the meeting. With no objections, motion carries unanimously.

MEETING ADJOURNED AT APPROXIMATELY 12:01 p.m.

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